

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHELLE MINERO,
Plaintiff,

v.

No. CV 11- CG 1127

MICHAEL J. ASTRUE,
COMMISSION OF SOCIAL SECURITY,
Defendant,

ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS

THIS MATTER comes before the Court on Plaintiff Michelle Minero's *Motion to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915*, (Doc. 2). The Court, having considered the motion, the relevant law, and otherwise being fully advised in the premises, **FINDS** the motion to be well-taken and will be **GRANTED**.

Ms. Minero seeks to proceed without the prepayment of costs and has submitted information indicating that she is indigent and unable to afford the cost of initiating suit. (*Id.* at 1-3). However, Mr. Minero's statement of indigency is not notarized nor does she state that it is made under penalty of perjury. An affidavit in support of a motion to proceed under § 1915 must be notarized or at least declared to be made under the penalty of perjury. *Atkins v. Sullivan*, 387 F.3d 140 (10th Cir. 1967); AO Form 240. Nevertheless, the Court finds that denying Ms. Minero's motion and requiring her to prepare a second notarized motion will serve only to delay the proceedings in this case. The Court accepts Ms. Minero's claim of indigency. Counsel is advised to ensure that future motions seeking to proceed *In Forma Pauperis* be properly notarized.

IT IS THEREFORE ORDERED that Ms. Minero's *Motion to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915*, (Doc. 2), be **GRANTED**. This action is authorized to proceed without the prepayment of the filing fee, costs, or security therefor.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the summons and the complaint in this action on the United States Attorney for the District of New Mexico, the Attorney General of the United States, and the Commissioner of Social Security.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE